



State of Utah

Department of
Environmental Quality

Richard W. Sprott
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DIVISION OF AIR QUALITY
Cheryl Heying
Director

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Governor

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Lieutenant Governor

DAQ-074-07

MEMORANDUM

TO: Air Quality Board

THROUGH: Cheryl Heying, Executive Secretary

FROM: Tim Andrus, Environmental Engineer

DATE: November 7, 2007

SUBJECT: Final Adoption: Amend R307-415-4. Applicability.

On August 1, 2007, R307-415-4 was proposed for public comment. The Board proposed to update R307-415-4 to implement changes in federal policies and to remove an outdated cross-reference.

A public hearing was held on September 19, 2007; no one came. No oral or written comments were received.

Staff Recommendation: Staff recommends that R307-415-4 be adopted as proposed.

R277-607-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Sections 53A-11-101 through 53A-11-106 which direct educational entities and parents working on behalf of children to encourage compliance with the compulsory education law, school attendance for all students, and cooperation in these important efforts.

B. The purpose of this rule is to direct schools/school districts and charter schools to establish procedures for:

- (1) informing parents about compulsory education laws;
- (2) encouraging and monitoring school attendance consistent with the law; and
- (3) providing firm consequences for noncompliance.

C. This rule encourages meaningful incentives for parental responsibility and directs school districts and charter schools to establish ongoing truancy prevention procedures in schools especially for students in grades 1-8.

R277-607-3. General Provisions.

A. Each local school board and charter school board shall develop a truancy policy that encourages regular, punctual attendance of students, consistent with this rule and 53A-11-101 through 53A-11-105 and shall review the policy annually.

B. Local school boards and charter school boards shall annually review attendance data and consider revisions to policies to encourage student attendance.

C. The local school board and charter school board truancy policy shall be available for review by parents or interested parties.

D. Habitual truant citations may be issued to students consistent with Section 53A-11-101.7.

R277-607-4. School/School District and Charter School Responsibilities.

A. School districts and charter schools shall:

- (1) establish definitions not provided in law or this rule necessary to implement a compulsory attendance policy;
- (2) include definitions of approved school activity under Section 53A-11-101(9)(c) and excused absence to be provided locally under Section 53A-11-101(9)(e);
- (3) include criteria and procedures for preapproval of extended absences consistent with Section 53A-11-101.3; and
- (4) establish programs and meaningful incentives which promote regular, punctual student attendance.

B. School districts and charter schools shall include in their policies provisions for:

- (1) notice to parents of the policy;
- (2) notice to parents as discipline or consequences progress; and
- (3) opportunity to appeal disciplinary measures.

C. School districts and charter schools shall establish and publish procedures by which school-age minors or their parents may contest notices of truancy.

R277-607-5. Parent Responsibilities.

Parents of school-age minors shall cooperate with school boards and charter school boards to secure regular attendance at school by school-age minors for whom they are responsible.

KEY: compulsory education, truancy

Date of Enactment or Last Substantive Amendment: ~~March 3, 2000~~ 2007

Notice of Continuation: November 5, 2004

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-11-101 through 53A-11-105

Environmental Quality, Air Quality

R307-415-4

Applicability

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 30284

FILED: 08/03/2007, 09:57

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the amendment is to update Section R307-415-4 to match changes in federal regulations and to remove an outdated cross-reference.

SUMMARY OF THE RULE OR CHANGE: The Utah Air Quality Board proposes to revise Section R307-415-4 to match changes in federal regulations and to remove an outdated cross-reference. Section R307-415-4 specifies applicability of the Title V permitting program in Utah. In Subsections R307-415-4(1)(b) and (c), the program is applied to all sources, including area sources subject to a New Source Performance Standard (NSPS), National Emission Standard for Hazardous Air Pollutants (NESHAP) or Maximum Achievable Control Technology (MACT) standard. EPA has been promulgating NSPS and MACT rules that specifically exempt area sources from Title V permitting obligations, beginning with the exemption of five area source categories in December 2005 (70 FR 75320, 12/19/2005). These particular exemptions were adopted into Subsection R307-415(2)(c) in 2006. EPA has continued to exempt area sources from Title V in subsequent NSPS and MACT rulemakings. It appears that this is EPA's chosen approach to implement its authority under Part 70 to exempt area sources from Title V. This presents two options for handling these regulations under Rule R307-415. The Board could modify Subsection R307-415-4(2)(c) each time EPA promulgates a new regulation containing the exemption language, or the Board could modify Subsection R307-415-4(2)(c) with a general exemption for area sources subject to any rule containing EPA's exemption.

The Board has chosen to propose the latter approach since it requires fewer resources and provides a more certain position for area sources. This approach to exempting sources also parallels the approach to including sources in Subsection R307-415-4(1). In addition the cross reference to Subsection R307-415-4(2) within Subsection R307-415-4(3)(b) was removed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-2-109.1 and 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no cost to the state budget because all costs for the operating permits program are covered by user fees.

❖ **LOCAL GOVERNMENTS:** Local governments in Utah are not known to operate any facilities affected by this change.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** **SMALL BUSINESSES:** The proposed change does not cause any costs or savings to small businesses at this time because their Title V status is not changed with this amendment. However, as exemptions are added to the existing federal regulations some sources may realize a small savings by the discontinuation of their emission fees with a corresponding reduction of the state budget. **OTHER PERSONS:** The proposed change does not cause any costs or savings to other persons at this time because their Title V status is not changed with this amendment. However, as exemptions are added to the existing federal regulations some sources may realize a small savings by the discontinuation of their emission fees with a corresponding reduction of the state budget.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed change does not cause any additional costs to affected persons at this time because their Title V status is not changed with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Generally, the exempted sources emit small amounts of air pollutants, and their costs for participation in the operating permits program were small. Exempting them from the program removes those costs. Richard W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY

AIR QUALITY

150 N 1950 W

SALT LAKE CITY UT 84116-3085, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/01/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 9/19/2007 at 2:00 PM, DEQ Building, 150 N 1950 W, Main Conference Room, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2007

AUTHORIZED BY: Cheryl Heying, Director

R307. Environmental Quality, Air Quality.**R307-415. Permits: Operating Permit Requirements.****R307-415-4. Applicability.**

(1) Part 70 sources. All of the following sources are subject to the permitting requirements of R307-415, and unless exempted under (2) below are required to submit an application for an operating permit:

(a) Any major source;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(c) Any source, including an area source, subject to a standard or other requirement under Section 112 of the Act, Hazardous Air Pollutants, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the Act, Prevention of Accidental Releases;

(d) Any Title IV affected source.

(2) Exemptions.

(a) All source categories that would be required to obtain an operating permit solely because they are subject to 40 CFR Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters, are exempted from the requirement to obtain a permit.

(b) All source categories that would be required to obtain an operating permit solely because they are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation, are exempted from the requirement to obtain a permit. For Part 70 sources, demolition and renovation activities within the source under 40 CFR 61.145 shall be treated as a separate source for the purpose of R307-415.

~~[(e) Certain area sources have been exempted from the requirement to obtain an operating permit under a subpart of 40 CFR Part 63. These include:~~

~~—(i) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;~~

~~—(ii) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;~~

~~—(iii) 40 CFR Part 63, Subpart O, Ethylene Oxide Emission Standards for Sterilization Facilities;~~

~~—(iv) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning;~~

~~—(v) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.](c)~~

An area source subject to a regulation under Section 111 or 112 of the Act (42 U.S.C. 7411 or 7412) promulgated after July 21, 1992 is exempt from the obligation to obtain a Part 70 permit if:

(i) the regulation specifically exempts the area source category from the obligation to obtain a Part 70 permit, and

(ii) the source is not required to obtain a permit under R307-415-4(1) for a reason other than its status as an area source under the Section 111 or 112 regulation containing the exemption.

(3) Emissions units and Part 70 sources.

(a) For major sources, the Executive Secretary shall include in the permit all applicable requirements for all relevant emissions units in the major source.

(b) For any area source subject to the operating permit program under R307-415-4(1)~~[-or-(2)]~~, the Executive Secretary shall include in the permit all applicable requirements applicable to emissions units that cause the source to be subject to the operating permit program.

(4) Fugitive emissions. Fugitive emissions and fugitive dust from a Part 70 source shall be included in the permit application and the operating permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of source categories contained in the definition of major source.

(5) Control requirements. R307-415 does not establish any new control requirements beyond those established by applicable requirements, but may establish new monitoring, recordkeeping, and reporting requirements.

(6) Synthetic minors. An existing source that wishes to avoid designation as a major Part 70 source under R307-415, must obtain federally-enforceable conditions which reduce the potential to emit, as defined in R307-101-2, to less than the level established for a major Part 70 source. Such federally-enforceable conditions may be obtained by applying for and receiving an approval order under R307-401. The approval order shall contain periodic monitoring, recordkeeping, and reporting requirements sufficient to verify continuing compliance with the conditions which would reduce the source's potential to emit.

KEY: air pollution, environmental protection, operating permit, emission fees

Date of Enactment or Last Substantive Amendment: [September 7, 2006] 2007

Notice of Continuation: July 13, 2007

Authorizing, and Implemented or Interpreted Law: 19-2-109.1; 19-2-104

Environmental Quality, Radiation Control **R313-15** Standards for Protection Against Radiation

NOTICE OF PROPOSED RULE

(Amendment)

DAR File No.: 30298

FILED: 08/10/2007, 14:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add reporting requirements for radioactive material licensees possessing sources to be tracked by the U.S. Nuclear Regulatory Commission's National Source Tracking System. The tracking system is intended to provide greater security for larger radioactive material sources of specific isotopes. The U.S. Nuclear Regulatory Commission requires that all Agreement States (like Utah) comply with this program by November 2007.

SUMMARY OF THE RULE OR CHANGE: The definition of "nationally tracked source" is added to Section R313-15-2, and new reporting requirements are added in a new Section R313-15-1206. A new appendix is incorporated by reference in the definition in Section R313-25-2 (Appendix E of 10 CFR 20, 2007 ed.).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-3-104 and 19-3-108

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 10 CFR 20, 2007 ed.

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Since the rule change involves the implementation of a national source tracking system, the Division will have minimal involvement with this program. No impact to the state budget is anticipated.

❖ **LOCAL GOVERNMENTS:** No local government agency will be impacted by this rule change. No impact to local government budget is anticipated.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The only impact to small businesses will be to those businesses that will possess sources tracked by this system. The impact is expected to be minimal since the rules require affected businesses to report their inventory annually, or whenever their inventory of tracked sources changes. The costs incurred by the businesses would be related to their efforts to prepare and transmit the required reports. It is not possible to estimate a cost for each business because the number of tracked sources may vary from business to business.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected persons will be required to submit periodic reports to the National Source Tracking System of their radioactive source inventories. The only costs associated with this rule change would be related to the time and effort necessary to prepare and transmit the reports. The impact of the reporting requirement is expected to be minimal since affected persons are already required to maintain records of their source inventory, and affected persons have been providing this information for the past few years as part of an interim source tracking effort by the U.S. Nuclear Regulatory Commission.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The expected fiscal impact of affected businesses is minimal since the rule change formalizes similar reporting activities that these businesses have been performing for the past few years. Richard W. Spratt, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

**ENVIRONMENTAL QUALITY
RADIATION CONTROL**
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Philip Griffin at the above address, by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@utah.gov